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SUBJECT: SCENESETTER FOR CODEL BEN NELSON TO WARSAW, JUNE
28-30, 2009

¶1. (SBU) Mission Poland warmly welcomes your upcoming visit to Warsaw. Your focus, Missile Defense, is front and center in our on-going conversation with the Poles, along with the rotation of a Patriot battery to Poland and on-going Status of Forces Agreement (SOFA) Supplemental negotiations. President Obama publicly and privately reiterated his commitment to Missile Defense (MD), assuming it is proven to work and cost-effective, and he repeated assurances that the Administration would stay in close consultation with Poland and the Czech Republic as it moves toward an MD decision. The Poles closely follow all discussions related to MD, the most recent of those being the Senate Armed Services Committee hearing on the Ballistic Missile Defense FY10 Authorization Request on June 16.

¶2. (SBU) The August 2008 agreement with Poland to station ten interceptors as part of a European Missile Defense System followed months of protracted and at times difficult negotiations. It was hard for Poland's government to agree to MD, and now some quietly question whether it was smart to expend so much political capital to conclude an agreement with an outgoing U.S. administration. At times last summer it seemed the Poles were negotiating as much among themselves as they were with us. In the end, the Poles signed on -- largely to accommodate a direct request from us, their longtime ally.

¶3. (SBU) The prolonged negotiations in and of themselves are an interesting story. When President Kaczynski clamored for the newly-elected Tusk Government to complete an MD deal initiated by his brother (former Prime Minister Jaroslaw Kaczynski) Prime Minister Tusk held back. Public opinion was running heavily against MD, and that gave Tusk pause. As late as last July, the Prime Minister declared that a good deal needed on balance to enhance Poland's security, and that condition was not yet fulfilled. The element that tipped the balance for the final deal was our offer of a U.S. Patriot battery rotation in Poland, starting in 2009. The Patriots are seen by Poles as an American tripwire, and as such enhance Polish security. That clinched the agreement, and Russia's near-simultaneous invasion of Georgia pushed Polish public support in favor of MD.

¶4. (SBU) So what to do now that a project made in America faces questions in America? The Tusk government has chosen to exercise "strategic patience," noting that the decision to move forward on MD must be an American one. Polish media ricochets from one day to the next about the fate of MD, but the GOP position has not wavered. You will hear this during your visit. You will also hear that regardless of the fate of MD, there is an expectation that we will move forward with the Patriot rotation, and we have been reassuring on this point to date. The form that Patriot rotation will take has received much attention as of late with headlines such as "Naked Patriots," and "Don't Touch the Patriots" highlighting that the initial rotation of a Patriot battery from Germany

will likely not meet the Polish expectation of a combat-ready, fully operational system capable of being integrated into the Polish air defense system. The USG interagency continues to work these issues. The Poles will certainly deliver a message regarding their interpretation of the August 2008 Declaration on Strategic Cooperation with regard to the Patriot deployment to Poland.

15. (SBU) Foreign Minister Radoslaw Sikorski recently sent a letter to Secretary Clinton, expressing concern about plans for the Patriots. In it, he requested confirmation that the Declaration on Strategic Cooperation would be honored, and made specific reference to the Polish expectation that the Patriot rotation would become interoperable with the Polish Air Defense System. The Minister is also quoted in the press as saying, quote We want to see to what degree the Americans value their Polish ally, end quote.

16. (SBU) The Missile Defense Agreement, and the Patriot commitment, had kept momentum going in our Supplemental Status of Forces Agreement (SoFA) talks, begun last fall. Recent negotiations, however, have resulted in disagreements over such issues as jurisdiction, taxation of contractors, and the scope of the Army Postal Operations. The overriding Polish concern appears that Polish companies would be competitively disadvantaged. The SOFA Supplemental is both a precondition for building the interceptor site as well as for the Patriot rotation. SoFA ratification should not be overly contentious, since both the government and the largest opposition party are solidly in favor of MD and a greater U.S. military presence on Polish soil. During the April 2009 visit of Senator Levin, the constant refrain from the Poles was a desire for US "boots on the ground," although they see

the Patriots in this same light.

17. (SBU) For historical reasons, Russia casts a long shadow here, and Warsaw is watching the reviving U.S.-Russian dialogue closely. MD may irritate Polish-Russian relations, but the Poles calculate that a deeper security relationship with the U.S. is still needed to help offset growing Russian assertiveness. The current Polish government has taken a less-confrontational, more constructive tack in relations with Russia than its predecessor. This doesn't mean Russia gets a pass, however -- Warsaw will be the first to insist that the EU and NATO press Moscow to play by the rules. They also are promoting the EU's EUR 600 million Eastern Partnership initiative, co-sponsored by Poland and Sweden. The Partnership seeks to draw countries on Europe's eastern border, especially Ukraine and Georgia, closer to Western institutions. The Poles are not absolutely convinced that Russia would not violate her sovereign border as was done to Georgia. And there are some who question NATO's resolve to respond to a resurgent Russia. Reaffirming U.S. commitment to NATO's Article 5 obligations would serve to reinforce messages they heard from visiting U.S. delegations.

18. (SBU) Beyond MD, you should know that the Polish government is pressing for a Tusk visit to the White House, and is also seeking regular high-level consultations. Once courted intensively on MD and Iraq, Warsaw worries that it is now an afterthought in Washington circles. In this regard, your visit is a welcome expression of U.S. interest and is being warmly welcomed. You will want to take the opportunity to again express our thanks for the Poles' significant contributions in Iraq and Afghanistan, as well as keep in mind the heavy rancor Poles feel for their continued exclusion from the Visa Waiver Program.

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